

Notice of Allowability

Application No.

10/069,773

Examiner

Daniel S. Metzmaier

Applicant(s)

VOLKE ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 18 November 2004.

2. ☒ The allowed claim(s) is/are 10, 12 and 13.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/18/04 & 4/25/02

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

Claims 10 and 12-13 are allowed.

1. An examiner's amendment to the record appears below.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The following amendments are to make clear to the printer that the final form of the amendments made December 31, 2003, amendment to the specification. The following replaces said insertions and provides an abstract on a separate sheet.

Amendments to the specification are set forth beginning on page 3 and replace previous paragraph versions.

A new abstract on a separate sheet is set forth on the attached sheet and replaces all previous abstracts of text set forth on page 9.

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Amendments to the specification

At page 6, delete the third full paragraph, and replace it by the following:

Preferably the polysaccharides are, starch, hyaluron acid, polyglucane, amylase, dextrin, and disaccharides such as sucrose, saccharose and trehalose. Lipids, Aerosol-OT®, phospholipids and glycolipids are preferably employed as surface-active substances.

At page 6, last paragraph, delete and substitute therefore:

In the following, a preferred embodiment of such a coupling medium is described. A mixture of Aerosol-OT® with a weight per cent of 22, trehalose with a weight per cent of 56 and water with a weight per cent of 22 is produced in the following steps:

At page 7, delete the first two lines and substitute therefore:

1. Production of an Aerosol-OT® dispersion with little water for creating a high-viscous dispersion.

Reasons for allowance

The following is an examiner's statement of reasons for allowance: the amendments merely make clear the final form of the amendments filed on December 31, 2003, since said amendments did not comply with the 37 CFR 1.121, and set forth the abstract on a separate sheet as required by 37 CFR 1.72(b). Applicants' amendments obviate the rejections of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel S. Metzmaier
Primary Examiner
Art Unit 1712

DSM

Abstract of the disclosure

A coupling medium of a thin layer of a homogenized mixture of at least one polysaccharide or disaccharide such as trehalose; a surface-active substance such as sodium dioctylsulfosuccinate; and water acts as a coupling medium for transverse ultrasonic waves, when the homogenized mixture is applied to surfaces of a transmitting, respectively receiving, transducer for transverse ultrasonic waves; and a surface of a probe.